

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

BAKKEN CONTRACTING, LLC, d/b/a BC
Contracting,

Plaintiff,

v.

THE VENUE AT WERNER PARK, LLC,

Defendant/Third-Party Plaintiff,

v.

WESTERN SURETY COMPANY,

Third-Party Defendant.

BAKKEN CONTRACTING, LLC, d/b/a BC
Contracting,

Third-Party Plaintiff,

v.

SEAN NEGUS CONSTRUCTION, LLC, R2
PLUMBING, LLC, GRAND RAPIDS
POURED WALLS, INC., d/b/a Cherry
Valley Concrete, and MAHONEY FIRE
SPRINKLER, INC.,

Third-Party Defendants.

Case No. 8:21-cv-00269-BCB-MDN

**CORRECTED ORDER FOR RELEASE
OF FUNDS**

This matter comes before the Court on the Joint Motion of Plaintiff/Third-Party Plaintiff, Bakken Contracting LLC, d/b/a BC Contracting (BC Contracting), and Defendant/Third-Party Plaintiff, The Venue at Werner Park, LLC (The Venue), at [Filing 236](#) to withdraw funds from the Court registry pursuant to [28 U.S.C. § 2042](#), [Federal Rule of Civil Procedure 67\(b\)](#), and NECivR [67.1](#)(d) and in furtherance of the parties' settlement agreement. The Court entered an Order for Release of Funds, finding that the Joint Motion should be granted. [Filing 241](#). However, that Order had unexpected formatting problems, which need to be corrected. Thus, the Court now reiterates

that having reviewed the Joint Motion and the docket, the Court finds that the Joint Motion should be granted. Accordingly,

IT IS ORDERED:

1. That BC Contracting's and The Venue's Joint Motion to Withdraw Funds pursuant to 28 U.S.C. § 2042, [Federal Rule of Civil Procedure 67\(b\)](#), and NECivR [67.1\(d\)](#), [Filing 236](#), is granted;
2. That The Venue is allowed to withdraw and the Clerk of Court shall release to The Venue \$437,500.00 from the funds in the Court Registry Investment Ownership Fund; and
3. That BC Contracting is allowed to withdraw and the Clerk of Court shall release to BC Contracting the remaining balance of the funds deposited in the Court Registry Investment Ownership Fund, including earned interest.

IT IS FURTHER ORDERED that Payees shall each provide the Clerk's Office with form AO-213P available at https://www.ned.uscourts.gov/internetDocs/forms/AO_213P.pdf.

Dated this 17th day of October, 2024.

BY THE COURT:



Brian C. Buescher
United States District Judge